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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy E. McCue et al
Serial No.: 10/828,589
Filed: April 22, 2004
Title: Adjustable Hinge

Date: March 14, 2005
Group Art Unit: 3677
Examiner: Jackson, Andre L.

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

RESPONSE TO SECOND OFFICE ACTION

This paper is in response to an Office Action dated September 21, 2005.

COMMENTS

The Examiner rejects claims 11, 12, 14 and 15 under "35 U.S.C. 102(b) as being anticipated by USPN 2,583,950 to Kirschner". The Examiner points out various elements of the Kirschner hinge and how they relate to each other that the applicant does not argue with.

However, the applicant disagrees with one important statement that the Examiner makes. In part, at the end of the first paragraph of the rejection, the Examiner states:

".....wherein the first connecting member is freely movable along the unthreaded hinge pin (Fig. 4), and as the first hinge is adjusted in the vertical direction the second hinge follows the first hinge by the first connecting member moving freely along the unthreaded hinge pin."
(underlining emphasis added)

No where in the Kirschner reference is it stated or implied that the second hinge moves freely along an unthreaded hinge pin, and there is not even a mention of an "unthreaded" anything in that patent. The upper and lower hinges shown in Figure 1 are identical and both must be independently adjusted while adjusting door D. The description in the specification of the Kirschner reference is of a single, adjustable hinge and two of them are used to mount door D as

Amendment entered for
purposes of appeal
C-2)
3/17/06